

**IN THE HIGH COURT FOR THE STATES OF PUNJAB &
HARYANA AT CHANDIGARH**

...

CWP No.8262 of 2004

Decided on : January 09, 2006

Balbir Singh

...Petitioner

VERSUS

Election Tribunal and another

...Respondents

CORAM :

HON'BLE MR.JUSTICE JASBIR SINGH

HON'BLR MR.JUSTICE BALDEV SINGH

Present: Mr.H.S.Mattewal, Senior Advocate assisted by
Mr.Sushil Saini, Advocate for the petitioner.

Mr.S.S.Randhawa, Assistant Advocate General, Punjab
for respondent No.1.

Mr.Vipin Mahajan, Advocate for respondent No.2.

JASBIR SINGH, J. (Oral) -

This Writ Petition has been filed challenging the impugned orders Annexure P-7 and P-8, vide which in a pending Election Petition, re-count of the votes has been ordered. It is apparent from the document Annexure P-7 that the re-count was ordered by stating that the parties have agreed to the same. This fact was denied and rebutted before us by filing an affidavit of the counsel, who had put appearance before the Tribunal.

Faced with the above situation, Shri Mahajan very fairly states that the impugned orders be set aside and the Tribunal be asked to pass a fresh order, on merits, regarding the prayer for re-count, after hearing the parties.

In view of very fair concession given, this writ petition is disposed of by setting aside the orders Annexures P-7 and P-8. The matter is remitted to the Election Tribunal at Gurdaspur to decide prayer of respondent No.2, for re-count of the votes, as per law. Parties are directed to appear before the Tribunal on 5.2.2007, which shall decide the matter expeditiously and preferably within two months, thereafter.

Writ petition stands disposed of.

(JASBIR SINGH)
JUDGE

January 09, 2006
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(BALDEV SINGH)
JUDGE